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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,468	03/01/2004	Richard Konig	HMM-002-1	9964

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TECHNOLOGY, PATENTS AND LICENSING, INC.
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SUITE 208
DOYLESTOWN, PA 18901

EXAMINER	
SAINT CYR, JEAN D	

ART UNIT	PAPER NUMBER
2425	

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07/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/790,468	KONIG ET AL.	
	Examiner	Art Unit	
	JEAN D. SAINT CYR	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 25-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 25-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to applicant's amendment filed on 04/21/2009. Claims 1-3, 25-28 are still pending in the current application and claims 29-35 are added. This action is made FINAL.

Response to Arguments

Applicant's arguments were fully considered, but they were not persuasive. Applicant argues that the cited references did not disclose a temporal sliding show that can be displayed concurrently with the main video and expanding temporal slide window.

However, Brandt et al disclose in fig.1, elements 203 and 205 that slides can be displayed concurrently with the main Video and further disclose that the slides in the output slide set are temporally correlated to the video input stream. And Brandt et al disclose the inset frame may be zoomed to the size of the original video frame or zoomed to match the size to which the original frame would otherwise have been resized . As a result, this action is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al in view of Brandt et al, US No.6646655 .

Re claim 1, Logan et al disclose a method for-video detection and replacement(removes an indicated program segment, such as a sequence of

commercials, and replaces it with a video signal, such as a screen saver image,col.20, lines 1-8), the method comprising: receiving an input video signal(a receiver for receiving broadcast programming signal, col.2, lines 33-34; see fig.1, element 12);

comparing(user would match the marking signals received from the first communication system against the buffered broadcast program content in order to modify the program, col.2, line 41-44) an expanded segment of the input video signal captured by the expanded window having the expanded length with the stored fingerprint data(segment filter 64 compares characteristics of the segments to the segment identification signals to identify a known segment and delete it or edit it accordingly, col.17, lines 46-48); and

generating an output video signal comprising the input video signal, wherein the expanded segment of the input video signal is replaced with a replacement portion(the splicing processor 104 can operate responsive to a marking signal to generate a composite proprietary program signal that removes an indicated program segment, such as a sequence of commercials, and replaces it with a video signal, such as a screen saver image, stored within the local database 108, col.20, lines 3-8) if the expanded segment of the input video signal matches the fingerprint data(match received signal against buffered broadcast program, col.2, lines 41-44).

But did not explicitly disclose creating a temporal sliding window of initial length L and running the sliding window over at least a portion of the input video signal, such that at least a portion of the input video signal is captured by the temporal sliding window;

comparing a first segment of the portion of the input video signal captured by the temporal sliding window of initial length L seconds to a portion of stored fingerprint data;

expanding the temporal sliding window to have an expanded length approximately equal to the length of the stored fingerprint data if the first segment of the portion of the input video signal matches the portion of stored fingerprint data.

However, Brandt et al disclose creating a temporal sliding window of initial length L and running the sliding window over at least a portion of the input video signal(see fig.1, element 203 and 205, video, slide; the slides in the output slide set are temporally correlated to the video input stream, col.3, lines 21-27; col.18, lines 30-33),such that at least a portion of the input video signal is captured by the temporal sliding window(any technique for capturing slides in a video may be used in embodiments of the present invention,col.4, lines 21-30);

comparing a first segment of the portion of the input video signal captured by the temporal sliding window of initial length L seconds to a portion of stored fingerprint data(The slide substitution stage 27 compares each extracted slide output by the slide coalescing stage 25 against a set of source slides 31 to identify a matching one of the source slides,col5, lines 54-56);

expanding the temporal sliding window to have an expanded length approximately equal to the length of the stored fingerprint data if the first segment of the portion of the input video signal matches the portion of stored fingerprint data(see fig.19; the inset frame may be zoomed to the size of the original video frame, or, as shown in FIG. 19, zoomed to match the size to which the original frame would otherwise have been resized,col.17, lines 36-47).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Logan with the invention of Brandt in introducing temporal sliding for the benefit of limiting error in extracting slide.

Re claim 2, Logan et al disclose automatically receiving fingerprint data (data or fingerprint, col.12, line 49) of segments to be identified via a computer communications network (see fig.1, element 38, communication system; a computer network interface, or any other type of receiver capable of receiving a signal, col.8, lines 30-32); and storing the

fingerprint data (the system can include a database memory that stores a segment identification signal, col.4, lines 61-65).

Re claim 3, Logan et al disclose wherein the fingerprint data (fingerprint, col.12, line 49) is transmitted (transmit the marking signal in approximately real time, col.18, lines 62-63) periodically (see fig.1, element 28, time stamp; a clock element that generates at time spaced intervals a time stamp signal that represents a computer periodic time reference, col.9, lines 7-11).

Re claim 25, Logan et al disclose wherein the replacement portion comprises at least one advertisement deleting the commercial sequence (deleting the commercial sequence, col.11, lines 15-28).

Re claim 26, Logan et al disclose wherein the replacement portion is selected based at least in part on the geographic location (time zones, col.12, col.12, lines 10-41).

Re claim 27, Logan et al disclose wherein the selection of a replacement portion is based at least in part on the received input video signal (the splicing processor 104 can operate responsive to a marking signal to generate a composite proprietary program signal that removes an indicated program segment, such as a sequence of commercials, and replaces it with a video signal, col.20, lines 3-6).

Re claim 28, Logan et al disclose further comprising: storing characteristics of the fingerprint data prior to the comparison of the first segment of the portion of the input video signal to the portion of stored fingerprint data(data memory; stores a segment identification signal that represents characteristic information of a pre-defined program segment, col.20, lines 50-56);

storing characteristics of potential replacement portions prior to the comparison of the first segment of the portion of the input video signal to the portion of stored fingerprint

data(the system can include a database memory that stores a segment identification signal. The segment identification signal acts as a type of fingerprint for identifying a portion of a broadcast,col.4, lines 62-64; replacing data stored in the data memory 112 with alternate data,col.20, lines 31-48); and

selecting the replacement portion based at least in part on comparing the characteristics of the stored fingerprint data and the characteristics of the potential replacement portions(The segment filter 64 compares characteristics of the segments to the segment identification signals to identify a known segment and delete it or edit it accordingly, col.17, lines 45-48).

Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al in view of Ficco et al, US No.20050166224

Re claim 29, Logan et al disclose a method for video detection and replacement(removes an indicated program segment, such as a sequence of commercials, and replaces it with a video signal, such as a screen saver image, stored within the local database 108col.20, lines 1-8), the method comprising: receiving an input video signal(a receiver for receiving the broadcast programming signal, col.2, lines 33-34; fig.1, element 12);

capturing a captured portion of L seconds of the received input video signal(the length of the program that has been viewed, col.14, lines 17-18; that means it was captured);

comparing the captured portion of the input video signal to an L second long portion of stored fingerprint data, the stored fingerprint data having a total fingerprint length greater than or equal to L(user would match the marking signals received against the buffered broadcast program, col.2, lines 41-44);

if the captured portion of the input video signal matches the portion of stored fingerprint

data, capturing an additional portion of the received input video signal, the additional portion being contiguous with the captured portion(The segment filter 64 compares characteristics of the segments to the segment identification signals to identify a known segment, col.17, lines 45-48; that means received signal was compared with stored data for matching fingerprint).

But did not explicitly disclose such that an entire captured portion comprising the captured portion of the received input video signal plus the additional portion has an entire captured length that is approximately equal in length to the total fingerprint length of stored fingerprint data;

comparing the entire captured portion of the received input video signal to the stored fingerprint data; and

generating an output video signal comprising the input video signal, wherein the entire captured portion of the input video signal is replaced with a replacement portion if the entire captured portion of the input video signal substantially matches the fingerprint data.

However, Ficco et al disclose such that an entire captured portion comprising the captured portion of the received input video signal plus the additional portion has an entire captured length that is approximately equal in length to the total fingerprint length of stored fingerprint data(the ad segment selected by step 240 has a length less than the entire, original broadcast advertisement. If so, then the remaining time slot must be filled in by step 280. This fill-in process may be performed by selecting another advertisement or by repeating the adapted advertisement until the time slot is filled,0075);

comparing the entire captured portion of the received input video signal to the stored fingerprint data(length of adapted ad less than time slot?, see fig.5); and

generating an output video signal comprising the input video signal(replaces the ad segment at a variable time within the time slot and the multiplexer can produce a seamless broadcast advertisement, appropriately adapted to the recipient,0047), wherein the entire captured portion of the input video signal is replaced with a replacement portion if the entire captured portion of the input video signal substantially matches the fingerprint data(the length of the adapted ad is substantially equal to the time slot of the original broadcast ad,0080).

It would have been obvious for any person of ordinary skill in the art at that time the invention was to modify the system of Logan in comparing the entire captured portion of the received input signal and generating an output signal containing the input video signal, as taught by Ficco, for the purpose of inserting multiple ads in one slot to match the portion of the stored fingerprint data.

Re claim 30, Logan et al disclose further comprising; automatically receiving fingerprint data(data or fingerprint, col.12, line 49) of segments to be identified via a computer communications network(see fig.1, element 38, communication system; col.8, lines 30-32); and storing the fingerprint data(database memory that stores segment identification, col.4, lines 61-65).

Re claim 31, Logan et al disclose wherein the fingerprint data is transmitted periodically(transmit the marking signal in approximately real time, col.18, lines 62-63; col.9, lines 7-11).

Re claim 32, Logan et al disclose wherein the replacement portion comprises at least one advertisement(col.12, lines 8-9).

Re claim 33, Logan et al disclose wherein the replacement portion is selected based at least in part on a geographic location(time zones, col.5, lines 54-56).

Re claim 34, Logan et al disclose wherein selection of a replacement portion is based at least in part on the received input video signal(col.2, lines 17-19).

Re claim 35, Logan et al disclose further comprising: storing characteristics of the fingerprint data prior to the comparison of step c (data memory, col.20, lines 50-56);

storing characteristics of potential replacement portions prior to the comparison of step c (col.4, lines 62-64; col.20, lines 3148); and

selecting the replacement portion based at least in part on comparing the characteristics of the stored fingerprint data and the characteristics of the potential replacement portions(compares characteristics of segments, col.17, lines 45-48).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see htpp://pair-direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

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